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6 **IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

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8 **IN RE: BARD IVC FILTER PRODUCTS**  
**LIABILITY LITIGATION**

9 This document relates to:

10 *CARGIN MADISON, III*

11 *Plaintiff,*

12 *v.*

13 *C.R. BARD AND BARD PERIPHERAL*  
14 *VASCULAR, INC.*

15 *Defendants.*

**MDL No. 2:15-MD-02641-PHX-DGC**

**Civil Action No. 2:18-cv-00460-DGC**

**PLAINTIFF'S REONSE TO**  
**DEFENDANTS' MOTION TO DISMISS**  
**PLAINTIFF'S COMPLAINT FOR**  
**FAILURE TO COMPLY WITH**  
**AMENDED CASE MANAGEMENT NO. 5**

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17 Plaintiff files this Response to the Motion to Dismiss [DOC 18833] filed by Defendants C.R.  
18 Bard, Inc and Bard Peripheral Vascular Inc.

19 1. On June 26, 2019, the Defendants filed their Motion to Dismiss against Plaintiff Cargin  
20 Madison, III for failure to provide a Plaintiff Profile Form.

21 2. Before the filing of Defendants' Motion to Dismiss, Counsel for Plaintiff and Counsel for  
22 Defendants agreed to engage in settlement talks with all of Curtis Law Group's clients filed in this  
23 MDL, which includes Plaintiff Cargin Madison, III. Pursuant to the Case Management Order no.  
24 42, and agreement between counsel, Plaintiff Cargin Madison, III was placed in Track 2.

25 3. Plaintiff's counsel has used due diligence to contact Mr. Cargin, but have yet to hear back.  
26 Counsel's attempts consist of letters, phone calls, and text messages to the client.

4. Accordingly, Plaintiff's counsel needs more time to locate this Plaintiff and inform him of the ongoing settlement talks. Plaintiff's counsel humbly asks the Court for additional time to locate Mr. Madison, produce the PPF and allow him the opportunity to engage in settlement.

WHEREFORE, Plaintiff Cargin Madison, III respectfully requests that the Court deny the Defendants' Motion to Dismiss [doc18833] as the parties had previously agreed (prior to the filing of Defendants' motion) to engage in settlement talks (CMO. 42 "Track 2"), and for all other just and appropriate relief.

FURTHER Plaintiff prays that the Court will grant additional time for Plaintiff to be located, submit his PPF, and allow him the opportunity to participate in settlement talks and for all other just and appropriate relief.

Dated: July 3, 2019

Respectfully submitted,

## CURTIS LAW GROUP

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**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2019, a copy of the foregoing Plaintiffs' Response to Defendants Motion to Dismiss was filed electronically, and notice of the filing of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/ William B. Curtis  
William Curtis